

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GAVINO DORADO Y ARABACA, DEFENDANT-APPELLANT.***G.R. No. L-23464. October 31, 1969*

Ponente: ZALDIVAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/13d1fffb37de/>**ZALDIVAR, J.:**

This is an appeal from the decision of the Court of First Instance of Manila, in its Criminal Case No. 66095, finding the defendant-appellant Gavino Dorado y Arabaca guilty of having committed the crime of arson with multiple homicide and multiple frustrated homicide and sentencing him to reclusion perpetua with the accessory penalties provided by law, and to pay the costs.

The record shows that on September 2, 1962, a 5-door apartment owned by Mr. and Mrs. Ildefonso Tierra and an adjacent residential house, both located in the densely populated street of Castillejos, Quiapo, Manila were burned, resulting in the death of 21 persons and injuries to 5 others in varying degrees. On September 4, 1962, the appellant, who had earlier surrendered to the Mayor of Malabon, Rizal and who was turned over by the latter to the Manila Police Department, gave a confession in his own handwriting which was witnessed by several newspaper reporters,[1] in the following tenor:

"Noong Sabado ng gabi ako'y nag good-time sa Baclaran at naparami ang akin nainom na alak. Ng mag-uumaga na, siguro mga alas dos ng umaga, ako'y umuwi sa Castillejos, napansin ko na sarado ang pinto, kaya ang ginawa ko bumalik uli ako sa Baclaran at naging umuwi. Maalaala ko ang pagkaapi ko sa bahay kaya naisipan kong bumili ng gasolina at dinala ko sa Castillejos na hindi ko nalalaman ang akin guinagawa dala ng labis kong pagka lasing. Dumating ako bukas na ang pinto patungo sa second floor, seguro alas 5:00 o 6:00 ng umaga noon. Pagdating sa itaas tinumba ko yaong lata, pagkatapos sinindihan ko. Tumakbo ako palabas hanggang makarating sa Arlegui; tumawag ako ng taxi at pumunta ako sa Quezon City, Cubao. Tumuloy ako sa Marikina, at pagka-tapos pumunta ako sa Malabon sa bahay ng Alkalde at nagsurender ako sa kanya.

"Sa katunayan ng lahat ng ito ay inilagda ko ang aking pangalan sa ibaba nito ngayon Sept. 4, 1962, dito sa Manila."

Soon after the appellant had written the afore-quoted confession, he gave a more detailed statement to the police investigator in the form of questions and answers substantially reiterating the confession he made in his handwriting. On September 5, 1962, the appellant reenacted the burning of the apartment, and on the same day, he subscribed, and swore to, his statement before an assistant fiscal of the City of Manila.[2]

On September 6, 1962 an information was filed by an assistant fiscal of the City of Manila charging the appellant with having committed the crime of arson with multiple homicide and multiple frustrated homicide, before the Court of First Instance of Manila, as follows:

"The undersigned accuses Gavino Dorado y Arabaca of the crime of Arson with Multiple Homicide and Multiple Frustrated Homicide, committed as follows:

"That on or about the 2nd day of September, 1962, in the City of Manila, Philippines, the said accused did then

and there wilfully, unlawfully and feloniously set fire to and burn and inhabited building and the contents therein valued at P380,000.00, knowing the same to be occupied at the time by many persons, located at 1039 Castillejos Street, Quiapo, in said City, which is a populated place or vicinity and where houses and buildings are closely adjacent to one another, thereby causing the death of the following persons, to wit: Josephine Curato, Rosemarie Curato, Oliver Curato, Juliana Ravelo Curato, Braulio Curato @ Joseph Lee, Marcelina Malaluan Vda. de Silva, Eufrocina Silva, Rose Silva, Rufil Silva, Erlinda Silva, Asterio Alcantara, Simeona Cuenca, Visitacion Cuenca, Rosalina Navasa, Marcelina Orillo, Eddie Ong Orillo, Lydia Alim, Martin dela Peña, Sinforiana Wero, Baby Wero de la Peña, Orlando Ortanez and the said act of the said accused could have caused the death of the following, to wit: Rogelio Villanueva, Helen J. Villanueva, Maria Luisa Villanueva, Phil de Guzman and Leonardo Baaya, as a consequence, thus performing all the acts or execution which should have produced the crime or multiple Homicide, but nevertheless did not produce it by reason or causes, independent of his will, that is by the timely and able medical assistance rendered to Rogelio Villanueva, Helen J. Villanueva, Maria Luisa Villanueva, Phil de Guzman and Leonardo Baaya which have prevented their death."

There is no dispute over the fact of the burning of the five-door apartment located at 1039 Castillejos Street, Quiapo, Manila, in the early morning of September 2, 1962, and of the death of 21 of the occupants, and of the injury of 5 of the occupants, of the apartments, as a result of the burning.

The decision of the trial court finding the appellant guilty of the crime charged in the information is based mainly on the two extrajudicial confessions of the appellant, Exhibits A and C. In the present appeal, counsel for the appellant contends that the lower court erred in finding the appellant guilty on the basis of those confessions.

We have examined the record very carefully, and We find that the lower court has not committed the error pointed to by appellant.

Testifying in his own behalf in the court below the appellant admitted that he had a grievance against the owner of the apartment, but denied having set fire to the apartment. He claimed in the court below, and he insists in this appeal, that he had to make and sign the statements presented against him, and he had to reenact the crime, because of the force and violence applied on him by the police. According to the appellant, when he was turned over to the arson division of the Manila Police Department, the investigators slapped and kicked him; that due to his sickness, and afraid that he might vomit blood it subjected to further torture, he wrote his confession, Exhibit C, as dictated to him by Captain Giron; that with regard to his statement, Exhibit A, all that are stated therein, except his name and personal circumstances, were supplied by the police investigators; that when he subscribed and swore to said statement before Assistant Fiscal Lino Barbosa, he affirmed the truth of its contents because he was accompanied by one of the policemen; and that he did not reveal the fact of his having been maltreated to the newspaper reporters, nor to the fiscal, or to any one, because his idea was to expose the matter when he would testify in court, as he would then be free from harm.

On the other hand, the police investigators who testified for the prosecution denied having obtained the confessions of the appellant through violence or intimidation. These witnesses testified that the statements of the appellant were given by him freely and voluntarily. The testimonies of the police investigators were bolstered by the testimony of Rodolfo T. Reyes, a reporter of the "Manila Times", who was also presented by the appellant as his own witness. Rodolfo T. Reyes testified that he and other newspapermen saw the appellant write his confession (Exhibit C), without dictation from Captain Giron; that he did not see any sign of injury on the face, nor on any part of the body, of the appellant;[3] that the appellant did not complain to him, or to any of the reporters present, at the time when he was writing his confession and during the reenactment of the crime, regarding any maltreatment received by him from the police investigators; and that the appellant reenacted the crime voluntarily and without hesitation.[4]

We hold that the lower court did not err when it did not give credence to the claim of appellant that his extra-judicial confessions were extracted from him through force or intimidation. We find no reason to alter the findings of the lower court that the confessions of the appellant were given by him voluntarily. It is a settled rule that the findings of fact by the trial court should not be disturbed on appeal unless it is shown that the trial court had overlooked certain facts of weight and importance, it being acknowledged that the court below, having seen and heard the witnesses during the trial, is in a better position to evaluate their testimonies.[5] It is also a settled rule that a confession is admissible as evidence, and it is presumed to be voluntary until the contrary is shown.[6] Before a confession can be set aside, both the confession and the reasons or motives given for its repudiation should be carefully scrutinized. It would be an unsound practice for the court to disregard the confession of an accused simply because the accused repudiates it during the trial.[7]

In the case now before Us, except for appellant's testimony repudiating his confessions, no other evidence was adduced to show that the statements in the confessions were obtained through force or intimidation. On the contrary, appellant's claim of torture is belied by an abundance of evidence showing that his confession, Exhibit C, was written by him under circumstances which preclude any doubt as to the voluntariness of his act. More so, because he wrote and signed the confession in the presence of reporters of the metropolitan newspapers. The other confession, Exhibit A, was subscribed and sworn to by the appellant before an assistant city fiscal of Manila, and it was not shown at all that appellant ever hesitated or refused to sign and swear to the same, much less did he protest to the fiscal regarding the way he was investigated.[8] We have noted that the statements of the appellant in answer to the questions in Exhibit A are responsive and informative. The statements mention details which only the declarant could have furnished, and could not have been concocted by the investigators. For instance, the appellant stated details regarding his educational attainments; regarding the demolition of his improvised room in the apartment as a result of which he lost P70.00 in cash and P10.00 worth of medicine; regarding his having filed a complaint against Mrs. Tierra, the owner of the apartment, in the fiscal's office; regarding the fact that due to his illness he had not been drinking wine for almost 6 months because his doctor prohibited him from doing so; and regarding the fact that after burning the apartment he went to Quezon City, thence to Marikina, and thereafter to Malabon, where he surrendered to the Municipal Mayor. We cannot believe that the investigators could fabricate those particulars, and that they are so perverted and depraved as to conspire together to falsely impute to an innocent man the commission of a very grave offense.[9]

We agree with the observation of the trial court that appellant's grievance against Mrs. Tierra must have driven him to burn the apartment, but when overcome by remorse or conscience because those who perished in the fire were his friends and acquaintances, he voluntarily confessed his criminal act; and realizing later the grave implications of his confessions, it must have occurred to him, as an afterthought, to repudiate the same and assert his innocence.

The defense contends that the appellant could not have committed[10] the crime because of the alleged impossibility for the appellant to enter the building and set it afire, and that there was no eyewitness who pointed to him as the one who set the building on fire. This pretension of the defense deserves no consideration in the face of clear evidence that the appellant had confessed voluntarily his commission of the crime, and his confession is supported by the corpus delicti.[11] Well established is the rule that it is not necessary that an eyewitness should testify on having seen the accused committing the crime, or had seen him under circumstances indicating his having committed the crime, before the accused may be held liable under his own confession.[12]

We find the decision of the lower court to be in accordance with law and the evidence.

WHEREFORE, the decision appealed from is affirmed, with costs against defendant-appellant. No payment of indemnity is here ordered because the offended parties, and/or the heirs at the offended parties, reserved their

right to institute separate civil actions to recover indemnities.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Sanchez, Castro, Fernando, Teehankee, and Barredo, JJ., concur.

[1] Exhibit C; witnessed by newspapermen, Rodolfo T. Reyes of the Manila Times; Roberto Cuevas of the Manila Chronicle; Young Ho Yun of The Great China News; Teddy de los Santos of the Manila Times; David Yap of the Chinese Commercial News; F. B. de Jesus of the Philippines Herald and Roberto S. Enriquez of the Manila Daily Bulletin.

[2] Exhibit A.

[3] In the supplementary advance fire report submitted by Cpl. Carlos Martin, Jr. on September 7, 1962 (Exhibit E) there appears the following statement: "At about 3:10 p.m. same date, (September 5, 1962) accused was brought to the Medical Examiner's Office, MPD, where Dr. Luis Larion examined him. He was found to be mentally sound and have no visible external physical injuries on any part of the body at the time of the examination. A certification to that effect was issued by Dr. Larion to the undersigned."

[4] T.s.n., pp. 44-49, hearing of April 8, 1964.

[5] People vs. Narciso, et al., L-24484, May 28, 1968; People vs. Magallanes, L-21559-60, June 29, 1968; citing People vs. Catalino, L-25403, March 15, 1968; People vs. Alto, et al., L-18660-61, November 29, 1968; People vs. Tatlonghari, et al., L-22094, March 28, 1969; People vs. Bautista, et al., L-23303-04, May 20, 1969.

[6] U. S. vs. Zara, 42 Phil. 308; People vs. Cabrera, 43 Phil. 64; People vs. Singh, 45 Phil. 676; People vs. Pereto, 21 SCRA, 1469.

[7] People vs. Padua, et al., L-14546, April 28, 1962.

[8] See People vs. Racca, et al., L-15812, December 30, 1961; People vs. Ijad, L-14456, October 31, 1961; People vs. Tondo, et al., L-9131, July 31, 1959; People vs. Barroso, et al., L-11923, September 18, 1959.

[9] People vs. Pereto, L-20894, December 29, 1967.

[10] People vs. Ijad, supra; People vs. Padua, supra.

[11] Section 96, Rule 124, Rules of Court.

[12] People vs. Narciso, G. R. No. L-24484, May 28, 1968; 23 SCRA 844.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.